

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of In the Matter of CLARK
STAFFON HALL, CLARA MENIECE HALL,
and CLARENCE MATTHEW HALL, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LYNETTE M. HALL, a/k/a LYNETTE M.
COSTNER,

Respondent,

and

CLARK HALL,

Respondent-Appellant.

UNPUBLISHED

April 12, 2007

No. 270738

Wayne Circuit Court

Family Division

LC No. 01-399808-NA

Before: Wilder, P.J., and Sawyer and Davis, JJ.

MEMORANDUM.

Respondent Clark Hall appeals as of right from an order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (j), and (n)(i). We affirm.

Respondent first argues that the trial court clearly erred in finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree.

We review the trial court's findings of fact for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). The children were placed in foster care after they became homeless and because of domestic violence between respondent and the children's mother. Respondent has a prior criminal conviction for assault with intent to commit criminal sexual conduct, and the evidence clearly and convincingly showed that respondent did not benefit from domestic violence counseling, continued to maintain a violent household, and encouraged violence in his children. Although respondent visited the children regularly, he slept through many visits and was unable or unwilling to discipline and supervise them. Additionally, there was evidence that the

children's visits with respondent were emotionally and psychologically damaging to the children. As the trial court succinctly put it, "These parents are not able to provide proper care & custody, and if they can't after 4 years they never will." The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Respondent also challenges the trial court's best interest determination. Once the trial court finds that a statutory ground for termination has been met by clear and convincing evidence, it must terminate parental rights unless to do so is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 351.

The children had been in foster care for nearly five years and there was no reason to believe that reunification was likely in the foreseeable future. Throughout this time, the children displayed behavioral and emotional problems, including chronic diarrhea and bedwetting, which intensified after visits with their parents, but improved when the children were no longer exposed to their parents. The evidence did not clearly show that termination of respondent's parental rights was not in the children's best interests. Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Kurtis T. Wilder
/s/ David H. Sawyer
/s/ Alton T. Davis